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PATENT

Case Docket No. ELITRA.010A

Date: April 9, 2004

1636

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Haselbeck, et al.
Appl. No. : 10/032,393
Filed : December 21, 2001
For : BACTERIAL PROMOTERS
AND METHODS OF USE
Examiner : Nancy S. Vogel
Group Art Unit : 1636

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 9, 2004

(Date)

[Signature]
Jerry L. Hefner, Reg. No. 53,009

TRANSMITTAL LETTER

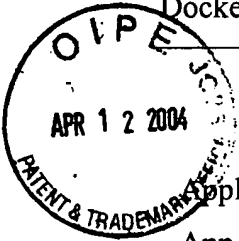
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) A Supplemental Information Disclosure Statement.
- (X) A PTO Form 1449 with two (2) references.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

[Signature]
Jerry L. Hefner
Registration No. 53,009
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(619) 235-8550

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

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Group Art Unit : 1636

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing two (2) references that are also enclosed.

This Information Disclosure Statement is being filed before the mailing date of a final action under 37 C.F.R. § 1.113 and before the mailing date of a Notice of Allowance under § 1.311. A certification under 37 C.F.R. § 1.97(e) is set forth below. Thus, no fee is required as set forth in 37 C.F.R. § 1.97(c).


CERTIFICATION UNDER 37 C.F.R. § 1.97(e)(1)

I hereby certify that each item of information contained in this Statement was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 9, 2004

By: 
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. ELITRA.010A	APPLICATION NO. 10/032,393
	APPLICANT Haselbeck, et al.	
	FILING DATE December 21, 2001	GROUP 1636

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	1	Marcinek, et al. 1998. <i>Enterococcus faecalis</i> gene transfer under natural conditions in municipal sewage water treatment plants. <i>Applied and Environmental Microbiology</i> , 64(2):626-632.
	2	Written Opinion from co-pending PCT/US01/50250 dated March 10, 2004.

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EXAMINER	DATE CONSIDERED
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	